

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**BENJAMIN FLEENER, individually and  
on behalf of all others similarly situated,  
Plaintiff,**

**V.**

**MARTIN HANAKA, ROBERT E. ALLEN,  
THOMAS BERGLUND, ROBERTO  
BUARON, THOMAS G. HARDY,  
GLENDA FLANAGAN, JAMES GROVER,  
MARVIN E. LESSER, JAMES LONG,  
EMILIO S. PEDRONI, ATLANTIC  
EQUITY PARTNERS III, L.P.,  
GOLFSMITH INTERNATIONAL  
HOLDINGS, INC., GOLF TOWN USA  
HOLDINGS, INC. and MAJOR MERGER  
SUB, INC.,  
Defendants.**

[illegible]

**Civil Action No. 1:12-CV-563-SS**

## Jury Trial Demanded

**AGREED STIPULATION OF DISMISSAL WITH PREJUDICE**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), plaintiff Benjamin Fleener files this agreed stipulation of dismissal with prejudice of all claims and causes of action asserted in this lawsuit, with all parties to bear their own costs and fees. By the signatures of their counsel below, all defendants who have appeared have noted their agreement to this stipulation of dismissal. No defendants have filed an answer in this action. Pursuant to Rule 41(a)(1)(ii), no order from this Court is necessary to effect this voluntary dismissal.

Agreed and stipulated by:

/s/ Daniel W. Jackson

Daniel W. Jackson, SBN 00796817  
Emmons & Jackson, P.C.  
3900 Essex Lane, Suite 1116  
Houston, Texas 77027  
(713) 522-4435  
(713) 527-8850 - fax  
daniel@emmonsjackson.com

*Attorney-in-charge for Plaintiff*

/s/ T. Ray Guy

T. Ray Guy, SBN 08648500  
Weil, Gotshal & Manges LLP  
200 Crescent Court, Suite 300  
Dallas, TX 75201  
(214) 746-7700  
(214) 746-7777 – fax  
ray.guy@weil.com

*Attorney for Golf Town USA Holdings, Inc. and  
Major Merger Sub, Inc.*

/s/ Mary L. O'Connor

Mary L. O'Connor, SBN 15186900  
Patrick G. O'Brien, SBN 24046541  
Akin Gump Strauss Hauer & Feld LLP  
1700 Pacific Ave., Suite 4100  
Dallas, TX 75201  
(214) 969-2800  
(214) 969-4343 – fax  
moconnor@akingump.com  
pobrien@akingump.com

Andrew W. Hammond (*pro hac vice* admission)  
White & Case, LLP  
1155 Avenue of the Americas  
New York, New York 10036  
(212) 819-8200  
(212) 354-8113 - fax  
ahammond@whitecase.com

*Attorneys for Defendants Golfsmith  
International Holdings, Inc., Martin E.  
Hanaka, Robert E. Allen, Thomas Berglund,  
Roberto Buaron, Glenda Flanagan, James  
Grover, Thomas G. Hardy, Marvin E. Lesser,  
James Long, and Emilio S. Pedroni*